

AMENDED IN SENATE JANUARY 8, 2008

AMENDED IN SENATE MAY 2, 2007

AMENDED IN SENATE MARCH 27, 2007

SENATE BILL

No. 602

Introduced by Senator Torlakson

February 22, 2007

~~An act to amend Sections 33352 and 51222 of, and to amend, repeal, and add Section 51241 of, the Education Code, relating to physical education. An act to amend Section 51241 of the Education Code, relating to physical education.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 602, as amended, Torlakson. Physical education.

Existing law authorizes the governing board of a school district or the office of the county superintendent of schools of a county to grant a pupil an exemption from courses in physical education for 2 years any time during grades 10 to 12, inclusive, with the consent of a pupil, if the pupil has met satisfactorily any 5 of the 6 standards of the physical performance test administered in grade 9.

This bill would clarify that a pupil may be granted exemption from courses in physical education if the pupil has met at least 5 of the 6 standards of the physical performance test.

~~(1) Existing law requires the State Department of Education to exercise general supervision over the physical education courses in elementary and secondary schools of the state. The department is required to ensure that the data collected through Categorical Program Monitoring (CPM) indicates the actual number of minutes of instruction in physical education actually provided by each school district for the~~

~~purpose of determining whether each school district is in compliance with the required minimum minutes of instruction.~~

~~Existing law requires public schools to provide instruction in physical education for a total period of time of not less than 200 minutes each 10 schooldays to pupils in grades 1 to 6, inclusive. Public schools are required to provide instruction in physical education for a total period of time of not less than 400 minutes each 10 schooldays to pupils in grades 7 to 12, inclusive.~~

~~This bill would require the department to ensure that the data collected through CPM indicates the extent to which each school within the jurisdiction of a school district or county office of education performs specified duties regarding the provision of instruction in physical education, including, among others, providing the required minimum minutes of instruction and conducting physical fitness testing. The department would be required to annually submit a report to the Governor and the Legislature that summarizes the data collected through CPM regarding those items and to annually post a summary of that data on the Internet Web site of the department.~~

~~(2) Existing law requires public schools to provide instruction in physical education to pupils in grades 7 to 12, inclusive, as specified.~~

~~This bill would define a physical education class as one in which each pupil is required to actively participate.~~

~~(3) Existing law permits a pupil in grade 10, 11, or 12 to be excused from physical education classes, as provided, in order to participate in automobile driver training.~~

~~This bill would delete those provisions:~~

~~(4) Existing law authorizes the governing board of a school district and the office of the county superintendent of schools to grant a permanent exemption from courses in physical education if the pupil complies with one of several criteria, including, among others, that the pupil is 16 years of age or older and has been enrolled in grade 10 for one academic year or longer.~~

~~This bill, commencing July 1, 2009, would delete the authority to grant an exemption with respect to a pupil who is 16 years of age or older and has been enrolled in grade 10 for one academic year or longer.~~

~~(5) Existing law, beginning on July 1, 2007, authorizes the governing board of a school district or the office of the county superintendent of schools to grant an exemption from courses in physical education for 2 years, any time during grades 10 to 12, inclusive, to a pupil who passes a physical performance test, as specified.~~

~~This bill would require the governing board of a school district to allow a pupil who fails the physical performance test to retake it annually upon the request of the pupil, and would declare the intent of the Legislature that a pupil that fails the test be enrolled in a physical education course designed to lead to the passage by that pupil of the test. By requiring school districts to perform additional duties, the bill would impose a state-mandated local program.~~

~~(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51241 of the Education Code is amended
2 to read:

3 51241. (a) The governing board of a school district or the
4 office of the county superintendent of schools of a county may
5 grant a temporary exemption to a pupil from courses in physical
6 education, if the pupil is one of the following:

7 (1) Ill or injured and a modified program to meet the needs of
8 the pupil cannot be provided.

9 (2) Enrolled for one-half, or less, of the work normally required
10 of full-time pupils.

11 (b) (1) The governing board of a school district or the office
12 of the county superintendent of schools of a county, with the
13 consent of a pupil, may grant a pupil an exemption from courses
14 in physical education for two years any time during grades 10 to
15 12, inclusive, if the pupil has met satisfactorily ~~any~~ *at least* five
16 of the six standards of the physical performance test administered
17 in grade 9 pursuant to Section 60800.

18 (2) Pursuant to Sections 51210, 51220, and 51222, physical
19 education is required to be offered to all pupils, and, therefore,
20 schools are required to provide adequate facilities and instructional
21 resources for that instruction. In this regard, paragraph (1) shall

1 be implemented in a manner that does not create a new program
2 or impose a higher level of service on a local educational agency.
3 Paragraph (1) does not mandate any overall increase in staffing or
4 instructional time because, pursuant to subdivision (d), pupils are
5 not permitted to attend fewer total hours of class if they do not
6 enroll in physical education. Paragraph (1) does not mandate any
7 new costs because any additional physical education instruction
8 that a local educational agency provides may be accomplished
9 during the existing instructional day, with existing facilities.
10 Paragraph (1) does not prevent a local educational agency from
11 implementing any other temporary or permanent exemption
12 authorized by this section.

13 (c) The governing board of a school district or the office of the
14 county superintendent of a county may grant permanent exemption
15 from courses in physical education if the pupil complies with any
16 one of the following:

17 (1) Is 16 years of age or older and has been enrolled in the ~~10th~~
18 grade *10* for one academic year or longer.

19 (2) Is enrolled as a postgraduate pupil.

20 (3) Is enrolled in a juvenile home, ranch, camp, or forestry camp
21 school where pupils are scheduled for recreation and exercise
22 pursuant to the requirements of Section 4346 of Title 15 of the
23 California Code of Regulations.

24 (d) A pupil exempted under paragraph (1) of subdivision (b) or
25 paragraph (1) of subdivision (c) shall not attend fewer total hours
26 of courses and classes if he or she elects not to enroll in a physical
27 education course than he or she would have attended if he or she
28 had elected to enroll in a physical education course.

29 (e) Notwithstanding any other law, the governing board of a
30 school district also may administer to pupils in grades 10 to 12,
31 inclusive, the physical performance test required in grade 9
32 pursuant to Section 60800. A pupil who meets satisfactorily ~~any~~
33 *at least* five of the six standards of this physical performance test
34 in any of grades 10 to 12, inclusive, is eligible for an exemption
35 pursuant to subdivision (b).

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
May 2, 2007 (JR11)**

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